

STYLE OF CASE:

***SHAVONDA BAILEY, AS NEXT FRIEND OF K.A. AND P.A.;
AND VIVIAN LAMPKINS, AS NEXT FRIEND OF J.L.***

vs.

CITY OF SAN ANTONIO, TEXAS, ET AL.

CAUSE NO.: 5:13-CV-0700-FB

**RECORDS
PERTAIN TO: Pierre Abernathy**

**RECORDS FROM: Bexar County Medical Examiner's Office
(Autopsy Records)**

**DELIVER TO: N. Mark Ralls / Philip A. Leal
Hoblit Ferguson Darling LLP
Bank of America Plaza
300 Convent Street, Suite 1450
San Antonio, TX 78205**

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

Order No. 4484.003

EXHIBIT "G"

EXHIBIT "A" (LOCATION LIST)

Christus Santa Rosa Hospital - Westover Hills (Medical)
11212 State Highway 151, San Antonio, TX 78251

University Health System (Medical)
4502 Medical Dr., MS 26-02, San Antonio, TX 78229

Bexar County Medical Examiner's Office (Autopsy)
7337 Louis Pasteur, San Antonio, TX 78229

City of San Antonio Emergency Medical Services (EMS/Transport)
315 South Santa Rosa Avenue, Suite 200, San Antonio, TX 78207

AO 88B (Rev. 06/06) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

**United States District Court
FOR THE WESTERN DISTRICT OF TEXAS**

SHAVONDA BAILEY, AS NEXT FRIEND OF K.A. AND P.A.;
AND VIVIAN LAMPKINS, AS NEXT FRIEND OF J.L.

SUBPOENA IN A CIVIL CASE

vs.

Civil Action No. 5:13-CV-0700-FB

WESTERN DISTRICT OF TEXAS

CITY OF SAN ANTONIO, TEXAS, ET AL.

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

TO THE CUSTODIAN OF RECORDS FOR:
Bexar County Medical Examiner's Office
7337 Louis Pasteur, San Antonio, TX 78229

☒

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects pertaining to Pierre Abernathy (DOB: 12/08/1980), and permit their inspection, copying, testing, or sampling of the material. You are further commanded to certify that each document or documents produced complies with Fed. R. Evid. 803(6)(A)-(C).

ANY AND ALL AUTOPSY RECORDS AND PHOTOGRAPHS PERTAINING TO PIERRE ABERNATHY (DATE OF DEATH: 08/04/2011), including but not limited to any and all medical records; any and all reports (including but not limited to investigative reports, autopsy reports, pathology reports, laboratory reports, toxicology reports and medical examiner's reports); photographs (please provide in native format if possible); files; papers; notes; memoranda; correspondence; printouts of any type of data stored in electronic format, including email transmissions; and any other type of records and/or documentation contained in the file, whether generated from your office or elsewhere

Place:

The office of the custodian: 7337 Louis Pasteur, San Antonio, TX 78229

Date and Time:

03/17/2014 at 10:00 a.m.

☐

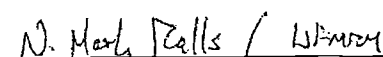
Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

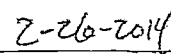
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

ISSUING ATTORNEY'S SIGNATURE



Attorney for Defendant,
Nathan Preston, et al.

DATE



ISSUING ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

N. Mark Ralls
Hoblit Ferguson Darling LLP
Bank of America Plaza
300 Convent Street, Suite 1450, San Antonio, TX 78205
Ph: 210-224-9991

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 5:13-CV-0700-FB

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for (name of individual and title, if any) _____
 was received by me on (date) _____.

_____ I served the subpoena by delivering a copy to the named person as follows: _____
 _____ on (date) _____; or

_____ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

 Server's signature

 Printed name and title

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an untested expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHAVONDA BAILEY, AS NEXT FRIEND OF K.A. AND P.A.; §
AND VIVIAN LAMPKINS, AS NEXT FRIEND OF J.L. §

vs. §

CIVIL ACTION NO. 5:13-CV-0700-FB §

CITY OF SAN ANTONIO, TEXAS, ET AL. §

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: Bexar County Medical Examiner's Office

Records Pertaining To: Pierre Abernathy

Type of Records:

ANY AND ALL AUTOPSY RECORDS AND PHOTOGRAPHS PERTAINING TO PIERRE ABERNATHY (DATE OF DEATH: 08/04/2011), including but not limited to any and all medical records; any and all reports (including but not limited to investigative reports, autopsy reports, pathology reports, laboratory reports, toxicology reports and medical examiner's reports); photographs (please provide in native format if possible); files; papers: notes; memoranda; correspondence; printouts of any type of data stored in electronic format, including email transmissions; and any other type of records and/or documentation contained in the file, whether generated from your office or elsewhere

1. Please state your full name.

Answer:

JASON GAINES

2. Please state by whom you are employed and the business address.

Answer:

BEXAR County Medical Examiners Office - 7337 Louis Pasteur SA, TX 78229

3. What is the title of your position or job?

Answer:

Office Assistant III

4. Are these memoranda, reports, records, or data compilations outlined in the subpoena duces tecum pertaining to the above-named person in your custody or subject to your control, supervision or direction?

Answer:

yes

5. Are you able to identify these aforementioned records as the originals or true and correct copies of the originals?

Answer:

yes

6. Please hand to the Officer taking this deposition copies of the memoranda, reports, records, or data compilations mentioned in Question No. 4. Have you complied? If not, why?

Answer: yes

7. Are the copies which you have handed to the Officer taking this deposition true and correct copies of such memoranda, reports, records or data compilations?

Answer: yes

8. Were such memoranda, reports, records, or data compilations kept in the regular course of business of this facility?

Answer: yes

9. Was it in the regular course of business of this facility for a person with knowledge of the acts, events, conditions, opinions or diagnoses recorded to make the record or to transmit information thereof to be included in such record?

Answer: yes

10. Were the entries on these records made at or shortly after the time of the transaction recorded?

Answer: yes

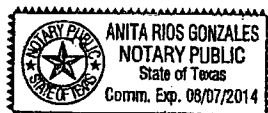
11. Was the method of preparation of these records trustworthy?

Answer: yes

Jaso
WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared the witness, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this 11th day of March, 20 14.



Anita R. Gonzales
NOTARY PUBLIC

My Commission Expires: 08.07.2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHAVONDA BAILEY, AS NEXT FRIEND OF K.A. AND §
P.A.;

AND VIVIAN LAMPKINS, AS NEXT FRIEND OF J.L. §

vs. §

CIVIL ACTION NO. 5:13-CV-0700-FB

CITY OF SAN ANTONIO, TEXAS, ET AL. §

NOTICE OF DELIVERY

RE: Bexar County Medical Examiner's Office (Autopsy)

I, Michael Miller, Notary Public in and for the State of Texas, hereby certify pursuant to Rule 45, Federal Rules of Civil Procedure,

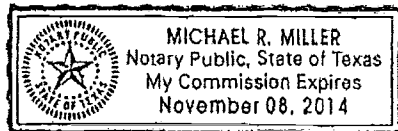
1. That the transcript is a true record of the testimony given by the witness;
2. That \$ 280.00 is the charge for the preparation of the completed Deposition by Written Questions and any copies of exhibits, charged to Attorney for Defendant, N. Mark Ralls, State Bar No. 16489200;
3. That the deposition transcript was submitted on the 17th day of March, 20 14, to the witness for examination, signature and return to the officer by a specified date;
4. That changes, if any made by the witness, in the transcript and otherwise are attached thereto or incorporated therein;
5. That the witness returned the transcript;
6. That the original deposition by Written Questions and a copy thereof, together with copies of all exhibits was delivered to the attorney or party who Noticed the first questions for safekeeping and use at trial;
7. That pursuant to information made a part of the records at the time said testimony was taken, the following includes all parties of record:

Christopher J. Gale (Gale, Wilson & Sanchez, P.L.L.C.)
Michael David Siemer (City of San Antonio City Attorney)

and

8. A copy of this Notice of Delivery was served on all parties shown herein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON March 17, 2014.




NOTARY PUBLIC

Gulfstream Legal Group, LLC
1300 Texas St.
Houston, TX 77002
713-237-4700 // Fax: 888-559-7431

Order No. 4484.003

**BEXAR COUNTY MEDICAL EXAMINER'S OFFICE**

7337 LOUIS PASTEUR
 SAN ANTONIO, TEXAS 78229-4565
 (210) 335-4000
 FAX (210) 335-4002



"Accredited by the National Association of Medical Examiners"

EVIDENCE RELEASE FORM

Date: 8/18/2011

Time: 15:33

NAME OF DECEDENT: ABERNATHY, PIERRE T.

M.E. Case Number: 11-01404

Evidence Type	List of Evidence
Law Enforcement	fingernail clippings
Law Enforcement	taser probe

I have received all of the items listed above.

I release the Medical Examiner's Office from any liability.

RELEASED BY: D. Kimberley Molina, M.D.

DATE: 08/05/2011

Signature

RELEASED TO: kelley beyer

AGENCY: Bcmeo

Signature

RELEASED BY: Stephanie Rivas

DATE: 08/18/2011

Signature

RELEASED TO: cyndi contreras

AGENCY: San Antonio Police Department

Signature



BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

7337 LOUIS PASTEUR
SAN ANTONIO, TEXAS 78229-4565
(210) 335-4000
FAX (210) 335-4002



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EVIDENCE RELEASE FORM

Date: 8/5/2011

Time: 13:43

NAME OF DECEDENT: Abernathy, Pierre T.

M.E. Case Number: 11-01404

Evidence Type	List of Evidence
Law Enforcement	fingernail clippings
Law Enforcement	taser probe
2 items listed	

I have received all of the items listed above.

I release the Medical Examiner's Office from any liability.

RELEASED BY: D. Kimberley Molina, M.D.

DATE: 08/05/2011

RELEASED TO: Kelley Beyer

AGENCY: BCMEQ

RELEASED BY: Stephanie Rivas

DATE: 8-18-11

RELEASED TO: Cyndi Contreras

AGENCY: SAPD

Signature

Signature

Signature

Signature



BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

7337 LOUIS PASTEUR
SAN ANTONIO, TEXAS 78229-4565
(210) 335-4000
FAX (210) 335-4002



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INVESTIGATIVE REPORT			
Case #: 11-01404		CASE TYPE : ME Case	
DECEASED DEMOGRAPHICS			
NAME : ABERNATHY, PIERRE T.	AKA :	ID Status : Positive	
AGE : 30 Years	SEX : Male	RACE : Black	
DATE OF BIRTH :	SSN	MARITAL STATUS :	
RESIDENCE : 5314 Running Horse, San Antonio, Texas 78242			
CALL INFORMATION			
NOTIFIED BY : Bustos # 1107		DATE/TIME : 8/4/2011 8:05	
NOTIFYING AGENCY: San Antonio Police Department			
ADDRESS : , ,		TELEPHONE :	
NARRATIVE			
30 y/o b/m reported unknown (In-custody death): the deceased was reportedly evading police when a physical altercation involving several officers ensued. Reportedly the deceased was also Tased more than once and was witnessed becoming unresponsive at the scene. SA EMS transported the deceased to Christus Santa Rosa Westover Hills where he was pronounced on arrival.			
NEXT OF KIN			
NAME : Brenda Allen		RELATIONSHIP : Mother	
ADDRESS : 10807 Deep Water Bay, San Antonio, Texas 78251			
HOME PHONE :	WORK PHONE :	CELL PHONE : 885-6522	
DEATH LOCATION			
ADDRESS : 11212 State Highway 151, San Antonio, TX 78251			
DATE AND TIME : 8/4/2011 04:36		PRONOUNCED/AFFIRMED BY : Dr. Mario Fernandez.	
MEDICAL HISTORY			
LAST KNOWN ALIVE DATE/TIME :		HOSPITAL ARRIVAL DATE/TIME : 8/4/2011 4:22	
INFORMANT :		INFORMANT ADDRESS : , ,	
INFORMANT PHONE :		RELATIONSHIP :	
HOSPITALIZED IN LAST 2 YEARS :	PREGNANT IN LAST 6 MOS :	DATE OF DELIVERY :	
MEDICAL HISTORY NOTES:			
SURGERY HISTORY NOTES:			
DRUG HISTORY NOTES :			
PSYCHOLOGICAL HISTORY NOTES :			
SOCIAL HISTORY NOTES :			

9/7/2011 9:21:51 AM

11-01404 - ABERNATHY, PIERRE T.

Page: 1 of 4



BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

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FAMILY HISTORY NOTES :		
SCENE EXAM (If Applicable)		
ARRIVE DATE/TIME :	RETURN DATE/TIME :	Scene Time :
SCENE PHOTOS :	TEMPERATURE :	SCENE TEMP CONTROL :
HUMIDITY :	RIGOR :	RIGOR JAW :
RIGOR ARMS :	RIGOR LEGS :	LIVOR MORTIS :
LIVOR TYPE :	LIVOR LOCATION :	BODY TEMP :
GENERAL SCENE OBSERVATION :		CLOTHING EFFECTS :
TRAUMA :		POSITION :
DECOMPOSITION & ARTIFACTS :		OTHER OBSERVATIONS :
INCIDENT (If Applicable)		
DATE/TIME OF INCIDENT-ILLNESS-DISCOVERY : 8/4/2011 2:52		PLACE OF INCIDENT : Street
LOCATION OF INCIDENT-ILLNESS-DISCOVERY : 10800 Block Deep Water Bay, San Antonio, TX 78251		
CIRCUMSTANCES OF INCIDENT : On 08-04-2001 around 0330 hours, the deceased was involved in a police chase through San Antonio. The chase ended at the 10800 Blk of Deep Water Bay when the deceased's exited his vehicle. The deceased was reportedly being combative but was non-verbal. Several SAPD Officer were reportedly involved in the physical altercation and the deceased was also reportedly Tased more than once. The deceased was reportedly still struggle with officers when he became unresponsive.		
SA EMS personnel worked on the deceased at the scene and transported the deceased to Christus Santa Rosa Westover Hills. The deceased was admitted to the ER at 0422 hours with the diagnosis of full arrest and was pronounced a few minutes later. Hospital staff reported the deceased had several apparent contusions and abrasion to his face, head, neck, torso, hips, and legs.		
SAPD evidence personnel processed the deceased's at the hospital and collected his clothing. During the clothing collection it was noted two apparent Taser probes were found in the deceased's shirt and another probe was noted still embedded in the deceased's back. SAPD evidence personnel collected the clothing with the two probes and were informed to leave the probe that was still in the deceased's back.		
SAPD Homicide is handling the investigation. Very little information was known about the incident (ie: timeline, positions, and/or restraints) at the time of the death report but SAPD is still in the process of the investigation.		
INV AGENCY: San Antonio Police Department		OFFICER ASSIGNED :
AGENCY # : 11195919	1st Officer/Shield # :	AGENCY PHONE :
SOURCE OF INFORMATION: Detective Leroy Carrion-SAPD Homicide Jennifer Howard RN-Christus Santa Rosa Hospital Westover Hills ER Officer Bustos # 1107		
INCIDENT AT WORK : No	EMPLOYER :	
EMPLOYER NUMBER :	EMPLOYER TYPE :	
EMPLOYER PHONE :	EMPLOYER ADDRESS : , ,	
INCIDENT LOCATION : 10800 Block of Deep Water Bay	INCIDENT ADDRESS : 10800 Block Deep Water Bay, San Antonio, TX 78251	
SUICIDE NOTE FOUND :	SUICIDE WITNESSED :	SUICIDE HANDEDNESS :

9/7/2011 9:21:51 AM

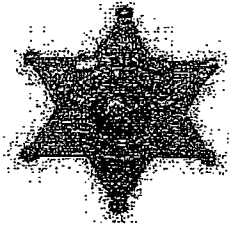
11-01404 - ABERNATHY, PIERRE T.

Page: 2 of 4



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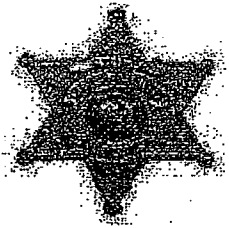
"Accredited by the National Association of Medical Examiners"

WEAPON LOCATION :		PRIOR ATTEMPTS :		PRIOR THREATS :	
HISTORY OF MENTAL DISEASE :		MENTAL DESCRIPTION :			
DRUG PARAPHERNALIA FOUND :		PARAPHERNALIA DESCRIPTION :			
WEAPONS					
Implement: Hands/Fists	Type:	Make/Model:	Caliber:		
Projectile:	Ammo Brand:	Bullet Size:	Barrel Length:		
Comment:					
Implement: Taser	Type:	Make/Model:	Caliber:		
Projectile:	Ammo Brand:	Bullet Size:	Barrel Length:		
Comment:					
MOTOR VEHICLE ACCIDENT (If Applicable)					
MVA CLASSIFICATION :		SEATBELT : 0		HELMET : 0	
AIRBAG DEPLOYED : 0		DECEDENT EJECTED : 0		SEAT POSITION :	
VEHICLE CONDITION :		ROAD CONDITION :		VEHICLE TYPE :	
MAKE :		MODEL :		YEAR :	
INFORMATION ON SECOND VEHICLE				VEHICLE TYPE :	
MAKE :		MODEL :		YEAR :	
FOLLOW-UPS					
Request Date/Time	Request From	Response To	Request Type	Followup Response Reviewed By	
8/5/2011 13:49	Jimmy Holguin, #100	mtorres	Medical Records		
REQUEST: Aw the dec's med recs from UH for Dr Molina.					
8/5/2011 16:10	mtorres	Jimmy Holguin, #100			
RESPONSE: received uh records (see ia)					



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NARRATIVE ADDENDUM			
Entered By	Date Entered	For Review	Reviewed
Jimmy Holguin, #100	8/5/2011	No	No
I obtained the NOK info from Det Hines. I then called the NOK to obtain info concerning a possible recent hospital visit by the dec and also obtain any med hx and PCP info. Awaiting a callback from the NOK.			
Jimmy Holguin, #100	8/5/2011	No	No
The NOK returned my call and I asked her several questions about the dec's med hx. She said the dec was in the UH in Dec and Feb, both times for being tasered by the police. She said the dec sustained head injuries and had an MI during the Dec visit and was on dialysis. She said the dec had a vasectomy recently, maybe two weeks ago, but she didn't remember which hospital he went to. She also could not remember the dec's PCP name. She said the dec quit going to the PCP when his insurance ran out.			
Jimmy Holguin, #100	8/5/2011	No	No
I called UH medical records and spoke to Linda. I requested her to get the dec's med recs for the Dec and Feb visits. She found them in her computer and said she would get them for us.			
Misty J. Torres, #125	8/5/2011	No	No
Det R Hines stated that one other taser probe had been found at the scene making a total of five that have been accounted for.			
Misty J. Torres, #125	8/5/2011	No	No
Fingerprints faxed to DPS at 1430 hrs.			
Misty J. Torres, #125	8/5/2011	No	No
Received UH records and taken to Dr Molina's office by intern.			
Meghan Ryan, #123	8/5/2011	No	No
DPS confirmed ID and the hit was on the dec's SID number. Number placed on the case update screen and id info updated on ID screen.			
Jackie L. Harkey, #127	8/6/2011	No	No
Mrs. Abrenathy a cousin of the decedent is in town from Virginia and will be assisting the family with making funeral arrangements. She will be contacting Det. Hines and the MEO once she reaches her family members. I advised her of our policy with NOK release from the funeral home. She stated the NOK, the mother, is in the hospital under sedation due to her emotional state regarding the death of the decedent. Mrs. Abrenathy will contact the MEO with any further information.			
Faustino Ruiz	8/11/2011	No	No
ADDED MIDDLE NAME PER DC ONLINE			
James L. Akers, #116	8/17/2011	No	No
Det. R. Hines called with the time the original traffic stop was initiated, 0252hrs. Time placed on incident screen.			
INVESTIGATOR: Nicole Healy, #118			

Identification

Page 1 of 1

Case Name: 11-01404 First Name: PIERRE Last Name: ABERNATHY Case Type: ME Case Case Status: Open
 ID Status: Positive DOD: 8/4/2011 4:38 Hold On Body: No Hold On Medication: No Hold On Information: No
 Age: [REDACTED] [REDACTED] [REDACTED]

IDENTIFICATION

ID Date: 08/04/2011 ID Time: 18:00 ID Status: Positive
 Person Making Identification: [REDACTED]
 Last Name: [REDACTED] First Name: [REDACTED] Identifiers Phone #: [REDACTED] Relationship to Decedent: [REDACTED]
 Street Address: [REDACTED] Zip: [REDACTED] City: [REDACTED] State: [REDACTED]

Comments

[REDACTED]

Methodology: [REDACTED] Source: [REDACTED] Comparison By: [REDACTED] Result: [REDACTED]
 Investigator: [REDACTED] Date: [REDACTED]

Method	Source	Comparison by	Result	Inv	Date
Fingerprints	Matt Sogline #12	DPB	positive	Meghan Ryan, #123	08/05/2011



BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

7337 LOUIS PASTEUR
SAN ANTONIO, TEXAS 78229-4565
(210) 335-4000
FAX (210) 335-4002

240#
711
11



"Accredited by the National Association of Medical Examiners"

INVESTIGATIVE REPORT		
Case #: 11-01404		CASE TYPE : ME Case
DECEDENT DEMOGRAPHICS		
NAME : Abernathy, Pierre T.	AKA :	ID Status : Tentative
AGE : 30 Years	SEX : Male	RACE : Black
DATE OF BIRTH	SSN :	MARITAL STATUS :
RESIDENCE : 5314 Running Horse, San Antonio, Texas 78242		
CALL INFORMATION		
NOTIFIED BY : Bustos # 1107		DATE/TIME : 8/4/2011 8:05
NOTIFYING AGENCY: San Antonio Police Department		
ADDRESS : , ,		TELEPHONE :
NARRATIVE		
30 y/o b/m reported unknown (In-custody death): the deceased was reportedly evading police when a physical altercation involving several officers ensued. Reportedly the deceased was also Tased more than once and was witnessed becoming unresponsive at the scene. SA EMS transported the deceased to Christus Santa Rosa Westover Hills where he was pronounced on arrival.		
NEXT OF KIN		
NAME :		RELATIONSHIP :
ADDRESS : , ,		
HOME PHONE :	WORK PHONE :	CELL PHONE :
DEATH LOCATION		
ADDRESS : 11212 State Highway 151, San Antonio, TX 78251		
DATE AND TIME : 8/4/2011 04:36		PRONOUNCED/AFFIRMED BY : Dr. Mario Fernandez
MEDICAL HISTORY		
LAST KNOWN ALIVE DATE/TIME :		HOSPITAL ARRIVAL DATE/TIME : 8/4/2011 4:22
INFORMANT :		INFORMANT ADDRESS : , ,
INFORMANT PHONE :		RELATIONSHIP :
HOSPITALIZED IN LAST 2 YEARS :	PREGNANT IN LAST 6 MOS :	DATE OF DELIVERY :
MEDICAL HISTORY NOTES:		
SURGERY HISTORY NOTES:		
DRUG HISTORY NOTES :		
PSYCHOLOGICAL HISTORY NOTES :		
SOCIAL HISTORY NOTES :		

8/5/2011 7:04:28 AM

11-01404 - Abernathy, Pierre T.

Page: 1 of 3



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FAMILY HISTORY NOTES :		
SCENE EXAM (If Applicable)		
ARRIVE DATE/TIME :	RETURN DATE/TIME :	Scene Time :
SCENE PHOTOS :	TEMPERATURE :	SCENE TEMP CONTROL :
HUMIDITY :	RIGOR :	RIGOR JAW :
RIGOR ARMS :	RIGOR LEGS :	LIVOR MORTIS :
LIVOR TYPE :	LIVOR LOCATION :	BODY TEMP :
GENERAL SCENE OBSERVATION :		CLOTHING EFFECTS :
TRAUMA :		POSITION :
DECOMPOSITION & ARTIFACTS :		OTHER OBSERVATIONS :
INCIDENT (If Applicable)		
DATE/TIME OF INCIDENT-ILLNESS-DISCOVERY :		PLACE OF INCIDENT : Street
LOCATION OF INCIDENT-ILLNESS-DISCOVERY : 10800 Block Deep Water Bay, San Antonio, TX 78251		
CIRCUMSTANCES OF INCIDENT : On 08-04-2001 around 0330 hours, the deceased was involved in a police chase through San Antonio. The chase ended at the 10800 Blk of Deep Water Bay when the deceased's exited his vehicle. The deceased was reportedly being combative but was non-verbal. Several SAPD Officer were reportedly involved in the physical altercation and the deceased was also reportedly Tased more than once. The deceased was reportedly still struggle with officers when he became unresponsive.		
SA EMS personnel worked on the deceased at the scene and transported the deceased to Christus Santa Rosa Westover Hills. The deceased was admitted to the ER at 0422 hours with the diagnosis of full arrest and was pronounced a few minutes later. Hospital staff reported the deceased had several apparent contusions and abrasion to his face, head, neck, torso, hips, and legs.		
SAPD evidence personnel processed the deceased's at the hospital and collected his clothing. During the clothing collection it was noted two apparent Taser probes were found in the deceased's shirt and another probe was noted still embedded in the deceased's back. SAPD evidence personnel collected the clothing with the two probes and were informed to leave the probe that was still in the deceased's back.		
SAPD Homicide is handling the investigation. Very little information was known about the incident (ie: timeline, positions, and/or restraints) at the time of the death report but SAPD is still in the process of the investigation.		
INV AGENCY: San Antonio Police Department		OFFICER ASSIGNED :
AGENCY # : 11195919	1st Officer/Shield # :	AGENCY PHONE :
SOURCE OF INFORMATION: Detective Leroy Carrion-SAPD Homicide Jennifer Howard RN-Christus Santa Rosa Hospital Westover Hills ER Officer Bustos # 1107		
INCIDENT AT WORK : No	EMPLOYER :	
EMPLOYER NUMBER :	EMPLOYER TYPE :	
EMPLOYER PHONE :	EMPLOYER ADDRESS : , ,	
INCIDENT LOCATION : 10800 Block of Deep Water Bay	INCIDENT ADDRESS : 10800 Block Deep Water Bay, San Antonio, TX 78251	
SUICIDE NOTE FOUND :	SUICIDE WITNESSED :	SUICIDE HANDEDNESS :

8/5/2011 7:04:29 AM

11-01404 - Abernathy, Pierre T.

Page: 2 of 3


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WEAPON LOCATION :		PRIOR ATTEMPTS :		PRIOR THREATS :	
HISTORY OF MENTAL DISEASE :		MENTAL DESCRIPTION :			
DRUG PARAPHERNALIA FOUND :		PARAPHERNALIA DESCRIPTION :			
WEAPONS					
Implement: Hands/Fists	Type:	Make/Model:	Caliber:		
Projectile:	Ammo Brand:	Bullet Size:	Barrel Length:		
Comment:					
Implement: Taser	Type:	Make/Model:	Caliber:		
Projectile:	Ammo Brand:	Bullet Size:	Barrel Length:		
Comment:					
MOTOR VEHICLE ACCIDENT (If Applicable)					
MVA CLASSIFICATION :		SEATBELT :		HELMET :	
AIRBAG DEPLOYED :	DECEDENT EJECTED :		SEAT POSITION :		
VEHICLE CONDITION :		ROAD CONDITION :		VEHICLE TYPE :	
MAKE :	MODEL :		YEAR :		
INFORMATION ON SECOND VEHICLE				VEHICLE TYPE :	
MAKE :	MODEL :		YEAR :		
FOLLOW-UPS					
INVESTIGATOR: Nicole Healy, #118					

From: NCID

2102077048

09/01/2011 10:18

#518 P.001/001

SAN ANTONIO POLICE DEPARTMENT
214 W. NUEVA
SAN ANTONIO, TX 78207
Homicide Unit



2011-1404
Open-DKm.
Pending

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FAX TO:

Medical Examiner

210-335-4002

FROM:

Det. R. Hines #2358

SAPD Homicide

Ph: 210-207-7439

Fax: 210-207-7088

E-MAILED
9-19-11

Email:

Randal.Hines@sanantonio.gov

DATE:

August 31st, 2011

TIME:

0840

SUBJECT:

Request Autopsy

Report for ME#11-

1404 Pierre Abernathy

Please email when

ready

1 page

FAX

T. J. MARIN

BC - Medical Examiner's Case #	11-1404	Agency	SAPD BCSO	DPS	1889
Scene Location	CHRISTUS	Officer's Name			
WESTOVER	HILLS	Badge #			

Date & Time	
Call	8-4-11, 0927
Arrival (BCMEO)	8-4-11, 1120
Arrival (at scene)	8-4-11, 0955

Decedent's Name	PIERRE ABERNATHY	DOB	
Gender	male female	Race	

Valuables			
Ring	Watch	Wallet	Signature
Purse	Necklace	Earring	
Other (list) CHARTS, BLOOD			



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BCMEO Case#: **11-01404**

NAME OF DECEDENT: **Abernathy, Pierre T.**

BODY RECEIPT

By signing below, I attest that I have confirmed the identity of the decedent and property to be the same as the case number listed above by:

- Checking the decedent's arm band (if present) for the BCMEO case number and verifying that it matches the case number listed above;
- Placing additional arms bands (as required) on the decedent and verifying that the BCMEO case number matches any previous arm bands and the number listed above; and
- Confirming that the case number on any additional items received matches the numbers above.

RECEIVED BY: **Stephanie Rivas**

DATE: **8/4/2011 @ 11:20:00 AM**

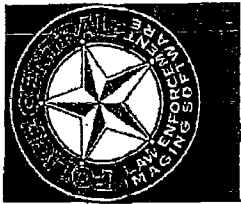
By signing below, I attest that I have confirmed the identity of the decedent and property to be the same as the case number listed above by:

- Confirming that the case number listed on this form and on the arm bands is the case number reported to me by the BCMEO at the time of dispatch and/or pick up.
- Checking the decedent's arm band (if present) for the BCMEO case number and verifying that it matches the case number listed above;
- Checking any additional arms bands (as required) placed on the decedent at the BCMEO and verifying that the BCMEO case number matches any previous arm bands and the number listed above.

TRANSPORTED BY: **joe m**

ORGANIZATION: **Bexar County Courier Service**

Joe Martin

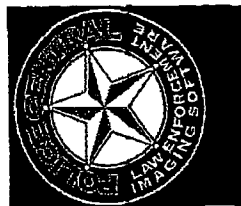


Page 1 of 1

Police Central Evidence Processing Contact Sheet

Officer: MARTIN CASTILLO Emp #: 04115 Case Report #: 11-1404

Date: 08/05/2011 Time: 11:23 File(s) path: P:\2011\11-1404



11-1404-005.JPG

BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

Sign Here

AUG/06/2011/SAI 10:00 AM

FAX NO.

P. 001/001



BEXAR COUNTY MEDICAL EXAMINER'S OFFICE
RANDALL E. FROST, M.D.
CHIEF MEDICAL EXAMINER

7337 Louis Pasteur Drive, San Antonio, Texas 78229-4565
 (210) 335-4011 FAX (210) 335-4091 or (210) 335-4021

AUTHORIZATION TO RELEASE REMAINS

TO: Bexar County Medical Examiner's Office

FROM: CASTLE RIDGE MORTUARY
(Funeral Home Name)

DATE: 8/6/2011

I, Brenda Allen, hereby certify and represent that I am the Mother
(Print Name) (Relationship to decedent)

and legal next of kin of:

Pierre Terrell Allen Abernathy Jr. AKA
(Name of Decedent as it appears on Social Security Card or birth certificate)

(Date of Birth)

(Social Security Number if applicable)

I, the undersigned, further agree to hold the Bexar County Medical Examiner's Office harmless of any liability on account of the said authorization.

It is my desire and request that you release the personal effects and the remains of the decedent to

CASTLE RIDGE MORTUARY
(Name of Funeral Home)

Signature of Next of Kin: [Signature] Relationship Mother

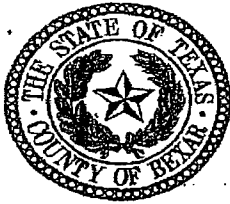
Address: 10807 Deep Water Bay
San Antonio, TX 78251

Telephone Number: (210) 885-0522

Witnessed by: _____ Date: 8/6/2011

Revised: 11-12-09

H:\Forms\Authorization to Release Remains



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FAX (210) 335-4002



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PROPERTY RELEASE FORM

Date: 8/6/2011

Time: 10:34

NAME OF DECEDENT: Abernathy, Pierre T.

M.E. Case Number: 11-01404

Property Type	List of Property
Clothing	no clothing
Personal Effects	no personal effects
Items Listed	

I have received all of the items listed above.

I release the Medical Examiner's Office from any liability.

RELEASED BY: Stephanie Rivas

DATE: 08/06/2011

RELEASED TO: rick luna

AGENCY: BBW Mortuary Service

RELEASED BY:

DATE:

RELEASED TO:

AGENCY:

Stephanie Rivas

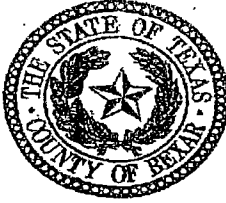
Signature

Rick Luna

Signature

Signature

Signature



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FAX (210) 335-4002



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BCMEO Case#: 11-01404

NAME OF DECEDENT: Abernathy, Pierre T.

ID STATUS: Positive

BODY RELEASE

By signing below, I attest that I have confirmed the identity of the decedent and property as required by:

- Checking the decedent's arm band for the BCMEO case number and the decedent's name and comparing this with the funeral home release and ensuring that the name matches;
- Checking the identification photograph of the decedent and ensuring that the photograph matches the actual facial features of the decedent, and that the case number on the photograph matches that on the identification arm band; and
- Confirming that the case number on any clothing bag or personal effects bag matches the numbers above.

RELEASED TO: 

rick luna

FUNERAL HOME: Castle Ridge Mortuary LP

RELEASED BY: 

Stephanie Rivas

DATE: 8/6/2011 @ 10:34:00 AM

WITNESS: 

Martin Castillo

30

RANDALL E. FROST, M.D.
Chief Medical Examiner

D. KIMBERLEY MOLINA, M.D.
Deputy Chief Medical Examiner

JENNIFER J. RULON, M.D.
Medical Examiner



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ELIZABETH A. PEACOCK, M.D.
Medical Examiner

RAJESH P. KANNAN, M.D.
Medical Examiner

WILLIAM D. MCCLAIN, M.D.
Assistant Medical Examiner

AUTOPSY REPORT

Case No. 2011-1404

Name: Pierre Tourell Abernathy **Age:** 30 **Race:** B **Sex:** M

Date & Time of Autopsy: 5 Aug 2011 @ 9:45 a.m.

GENERAL EXAMINATION

The body is received lying upon multiple hospital sheets and is that of a normally developed, well nourished, adult male, measuring 71 inches in length, weighing 240 lbs and appearing consistent with the listed age of 30 years. The body is nude. An orange identification band surrounds the right ankle and a hospital identification band surrounds the left wrist.

Accompanying the body are five tubes of antemortem blood all of which are dated 4 August 2011.

Detective Randall Hines from the San Antonio Police Department is present for the autopsy.

EXTERNAL EXAMINATION

The body is not embalmed. Rigor mortis is fully developed in all joints. Fixed livor mortis is present posteriorly. Significant changes of decomposition are absent.

The decedent has short, black, curly scalp hair averaging 1 inch in length. A thin beard and mustache are present. The eyes are closed; the conjunctivae are pale; the sclerae are white; the corneae are clear; and the irides are brown. The nares are patent. The ears are normal in location and formation. A punctate scar involves the left earlobe consistent with remote ear piercing. The facial bones are intact to palpation. The mouth is closed. The teeth are natural and in good condition. An apparent dirt-type material is present between the teeth and within the mouth.

The neck and chest are symmetrical. *Jihad* is tattooed across the right lateral neck. Small linear scars involve the right medial neck. The abdomen is soft.

Abernathy, Pierre Touren

Case No. 2011-1404

The upper and lower extremities, including the hands and feet, are symmetrical. "*Cherokee Reign*" and an open hand with a feather are tattooed on the right lateral upper arm. A 4 x 1 cm irregular scar extends down the right proximal posterior forearm. The hands are dirty. The fingernails are short and intact. Small linear and irregular scars involve the anterior knees. A 10 x 1 cm scar extends obliquely across the right anterior lower leg. Two, 1 x 1 cm, scars involve the left anterior lower leg.

The external genitalia are those of a normal adult male and are atraumatic. The testes are palpated within the scrotal sac.

The back is straight. The anus is patent and unremarkable.

EVIDENCE OF MEDICAL INTERVENTION

An endotracheal tube protrudes the mouth and is taped in place. Cardiac monitor pads are present upon the anterior chest, abdomen, right anterior upper arm, and left anterior lower leg. Electrocardioversion pads are affixed to the right upper and left lateral chest. An interosseous catheter protrudes from the left anterior shoulder. A needle puncture wound involves the left antecubital fossa. A single lumen intravascular catheter is present within the right posterior hand.

EVIDENCE OF INJURY

Puncture Wounds

A 2 mm puncture wound involves the right anterior medial upper chest and incision reveals acute hemorrhage within the underlying subcutaneous tissues.

A 1 mm puncture wound is present upon the left lower back and is surrounded by a 2.5 mm curvilinear abrasion extending along the medial and inferior margins. The puncture wound is also associated with a 3 x 1 mm abrasion along its lateral margin. Located 3½ cm inferior to this puncture wound is a second puncture wound from which a 2½ cm in length by 5 mm in diameter gray metallic barb from an electromuscular device protrudes. The barb is removed to reveal a 1 cm in length by < 1 mm in thickness needle-like device with a small hook (barb) located 4 mm from the needle point. Upon removal of the barb from the wound the wound is found to consist of a central puncture wound surrounded by irregular abrasion measuring 4 x 4 mm in aggregate. Incision into the subcutaneous tissues beneath the wound reveals focal hemorrhage within the subcutaneous tissues.

A 2mm non-hemorrhagic puncture wound is present upon the left medial upper back. There is no associated abrasion and incision fails to reveal hemorrhage within the subcutaneous tissues.

Probable canine bite wounds

Upon the left buttock is a patterned injury consisting of a 9 mm laceration in line with four small abrasions measuring 5 x 2 mm, 3 x 2 mm, 2 x 2 mm, and 2 x 2 mm, respectively. Just inferior to this row is a second laceration measuring 1 cm in line with three superficial abrasions measuring 2 x 2 mm, 3 x 2 mm, and 2 x 2 mm, respectively. The entire wound is surrounded by a 4 x 4 cm red contusion.

Abernathy, Pierre Tourel

Case No. 2011-1404

Three, irregular, abraded lacerations involve the right upper buttock, measuring 2 x 2 cm, 1.5 x 0.5 cm, and 2 x 1 cm, respectively. The lacerations are associated with undermining of the subcutaneous tissues and are interconnected beneath the skin surface.

A patterned wound is present upon the right lower buttock consisting of a 6 x 2 mm laceration inline vertically with seven small abrasions measuring 2 mm, 5 mm, 5 mm, 3 mm, 4 mm, 5 mm, and 1.8 cm, respectively.

Blunt force injuries

Two abrasions involve the left lateral lower forehead and measure 4 x 0.3 cm in aggregate. Ecchymosis surrounds both eyes. There is confluent subconjunctival hemorrhage involving both orbital globes. A 3 cm abrasion/superficial laceration extends across the left lower eyelid. A 1 cm superficial laceration extends across the right lower eyelid. A 2 cm superficial laceration and a 1 cm abrasion extend across the left lateral lower cheek.

Scattered, transverse abrasions, averaging 1 cm in length, involve the left lateral neck. Three, small abrasions involve the right medial lower chest, measuring 2 x 2 mm, 3 x 2 mm, and 3 x 2 mm, respectively. A 7 mm abrasion extends across the left medial upper abdomen. Intersecting linear abrasions, ranging from 2 to 6 cm in length, span a 15 x 15 cm area upon the left lateral abdomen. A 2 cm abrasion extends down the medial lower abdomen/suprapubic region.

A 1 x 1 mm abrasion surrounded by erythema involves the right anterior upper arm adjacent to a 1 x 1 cm purple contusion. A 3 x 2 mm abrasion is present upon the proximal right anterior lateral forearm. Transverse abrasions, ranging from 1 to 2 cm in length, span a 4 x 2 cm area upon the right posterior upper arm. A 5 x 4 cm red contusion surrounds a 1.2 x 0.3 cm abrasion and a 1 cm linear abrasion upon the right lateral wrist. A 6 cm linear abrasion extends down the right medial palm.

Linear red contusions, ranging from 5 to 8 cm in length, extend down the distal left anterior-medial forearm. A 2 x 2 cm purple contusion involves the left medial wrist. A 2 x 0.5 cm abrasion surrounded by a purple contusion involves the left medial wrist. Scattered irregular and linear abrasions involve the distal left posterior upper arm and proximal left posterior forearm. A 1 x 1 cm confluent abrasion is present upon the distal left posterior upper arm and a 2 x 2 cm confluent abrasion involves the proximal left posterior forearm. A 7 cm abrasion extends across the left posterior forearm.

Incisions overlying the bony prominences of the wrists reveal hemorrhage within the medial and lateral subcutaneous tissues bilaterally.

Multiple abrasions involve the right anterior knee, measuring 1 x 1 cm, 3 x 2 cm, 1 x 1 cm, 1 x 1 cm, and 3 x 3 cm, proceeding in a clockwise manner. A 5 cm interrupted linear abrasion extends down the proximal right lateral lower leg. A 4½ x 0.3 cm interrupted abrasion extends down the right proximal anterior lower leg. An 8 x 1 cm abrasion extends down the right anterior mid lower leg. A 1.5 x 0.2 cm abrasion involves the distal right anterior lower leg. Scattered, small abrasions are present upon the right posterior thigh and are admixed with small purple contusions.

Abernathy, Pierre Tourea

Case No. 2011-1404

Scattered punctate and linear abrasions, ranging from 1 mm to 3 cm in length, span a 15 x 2 cm area on the proximal left anterior-lateral thigh. Scattered, small, superficial lacerations and abrasions involve the proximal left medial thigh. Scattered, small abrasions involve the left anterior knee. A 1 x 1 cm abrasion is present upon the proximal left anterior-lateral lower leg. A 1 x 0.5 cm abrasion extends across the left proximal anterior lower leg. A 9 x 10 cm purple contusion surrounds scattered irregular abrasions, ranging from 1 cm to 4½ cm in greatest dimension, upon the proximal left posterior-medial thigh. A cluster of small abrasions, measuring 6 x 4 cm in aggregate, involves the left posterior-lateral knee. A 3 x 2 cm purple contusion extends across the left posterior knee. An 8 x 6 mm oval, abraded laceration involves the proximal left posterior-lateral lower leg.

Incisions overlying the bony prominences of the ankles bilaterally fail to reveal evidence of subcutaneous hemorrhage.

Scattered transverse abrasions, averaging 1 cm in length, involve the posterior neck. A 5 x 1 cm linear red contusion extends obliquely across the left apical shoulder. A 4 x 0.7 cm linear red contusion involves the left upper back. A 6 x 3 cm oval purple contusion is present upon the left mid back. A 9 x 3 cm red contusion extends across the right upper back. A 10 x 4 cm irregular purple contusion involves the right mid back.

The left buttock is diffusely contused. Linear abrasions extend across the left upper buttock, measuring 4 cm and 6 cm, respectively. A 2 x 1 cm crusted abrasion extends vertically between these two linear abrasions. Scattered abrasions involve the left buttock averaging 1 cm in length. A 5 mm superficial laceration involves the left medial buttock.

A 1.5 x 1 cm irregular laceration involves the right medial buttock. Scattered, irregular, small abrasions involve the right buttock, averaging 1 cm in greatest dimension. A 3 x 2 mm superficial laceration involves the right mid buttock. A 6 cm superficial laceration extends across the right lower buttock. A 3 cm superficial laceration extends across the right gluteal margin.

Internal Injuries

Reflection of the scalp reveals a 3 x 3 cm focus of hemorrhage within the subcutaneous tissues of the left posterior lateral scalp, a 2 x 1 cm focus of subcutaneous hemorrhage within the left frontal scalp and a 3 x 3 cm focus of hemorrhage within the left frontal scalp. Confluent subgaleal hemorrhage, measuring 15 x 8 cm, underlies the right lateral scalp.

Sectioning of the tongue reveals confluent hemorrhage involving the lateral aspect.

Clothing

A cut short-sleeve black t-shirt with a *Spurs* logo and a gray sleeveless undershirt are supplied by Detective Hines from the San Antonio Police Department and are examined at the time of the autopsy. Examination of the t-shirt reveals a 1 x 1 mm defect within the upper right anterior-lateral portion, corresponding to the puncture wound upon the anterior medial chest. No defect is noted in the undershirt corresponding to this region.

Abernathy, Pierre Tourad

Case No. 2011-1404

Three barbs for electromuscular devices, similar in appearance to the previously described barb recovered from the decedent's lower back, are embedded within the t-shirt. The 1st is located upon the right anterior-lateral portion of the shirt. This barb perforates both the outer t-shirt and the undershirt and corresponds in location to the small abrasions upon the right lower chest. The 2nd barb is embedded within the right lower anterior black t-shirt only and does not penetrate the underlying undershirt or correspond in location to any injuries on the body. The 3rd barb is located upon the right posterior lateral t-shirt and perforates both the t-shirt and undershirt but the tip of the barb is not exposed through the shirts. This barb does not definitively correspond to any injuries upon the body.

INTERNAL EXAMINATION

HEAD: An intermastoid incision is made around the cranium and the scalp is retracted. The cranial cavity is opened. There is no evidence of epidural, subdural or subarachnoid hemorrhage. The dura is smooth, tough and white and is removed to reveal no skull fractures to be present. The leptomeninges are transparent. The brain weighs 1,360 g. The cerebral and cerebellar hemispheres, midbrain and pons are symmetrical. On cut sections, the parenchyma is soft without evidence of infection, tumor or trauma. The cerebral vessels follow the usual distribution and are widely patent.

BODY: The body is opened with the Y-shaped incision. The organs occupy their usual positions and relationships. The pleural, pericardial and peritoneal cavities are free of abnormal fluid accumulations. Inspection of the thoracic and abdominal cavities after evisceration reveals no significant musculoskeletal abnormalities. The abdominal pannus averages 3 cm in thickness.

NECK: There is no evidence of infection, tumor or trauma. The hyoid bone and laryngeal cartilages are intact. The airway is patent without evidence of significant inflammation or neoplasia. No cervical dislocations or fractures are present.

CARDIOVASCULAR SYSTEM: The heart weighs 450 g and is grossly enlarged and globular in shape. The epicardial surface is smooth and glistening. The coronary arteries arise normally, follow a right dominant distribution and are small in caliber but free of significant arteriosclerotic changes. On cut sections, the endocardium is smooth and glistening and the myocardium is dark red and soft without evidence of significant fibrosis or neoplasia. The cardiac valves are thin, pliable, and normally formed. The aorta is open to reveal a tan, smooth, intima.

LUNGS: The right lung weighs 800 g and the left lung weighs 630 g. The pleural surfaces are purple, smooth and glistening. On cut sections, the parenchyma is congested and moderately edematous without evidence of infection, tumor or trauma. The pulmonary vessels and airways are unobstructed.

ALIMENTARY SYSTEM: The esophagus, stomach and small and large intestines reveal no evidence of significant natural disease or trauma. The stomach contains a minimal amount of thick, green material. The pancreas is normal in size and location and, fails to reveal evidence of significant fibrosis or neoplasia on cut sections.

HEPATOBIILIARY SYSTEM: The liver weighs 2,190 g. The capsule is intact. On cut sections, the parenchyma is tan-brown and firm. There is no evidence of significant fibrosis or neoplasia. The gallbladder is present and unremarkable.

Abernathy, Pierre Tourent.

Case No. 2011-1404

ENDOCRINE SYSTEM: The thyroid and adrenal glands are normal in size, shape and location and are without significant abnormality on cut section.

LYMPHORETICULAR SYSTEM: The spleen weighs 170 g. The capsule is intact and the parenchyma is dark red and soft. Significant lymphadenopathy is not appreciated.

GENITOURINARY SYSTEM: The right kidney weighs 160 g and the left kidney weighs 150 g. The capsules remove without difficulty revealing smooth and shiny cortical surfaces. On cut sections, the parenchyma is tan-red with distinct cortico-medullary demarcations. The collecting systems, ureters and bladder are unremarkable. The bladder contains a moderate amount of urine. The prostate gland is present and unremarkable. The testes are exposed and fail to reveal evidence of trauma, neoplasia, or significant natural disease.

MICROSCOPIC EXAMINATION

Hematoxylin and eosin stained sections are reviewed. Sections of the heart (6), lungs (5), thyroid gland (1), kidneys (2), brain (2), and spleen (1) fail to reveal significant histopathologic findings. One liver section is remarkable for moderate steatosis. Two sections of skin from the puncture wounds upon the left lower back show extravasated red blood cells within the subcutaneous tissues. A focus of epidermal lysis with coagulation of the underlying dermis is seen.

ANCILLARY STUDIES

Fingernail clippings are obtained and the barb recovered from the left back is retained.

Abernathy, Pierre Toussaint

Case No. 2011-1404

FINDINGS

- I. Acute cocaine intoxication
 - A. Cocaine = 0.17 mg/L (antemortem blood)
 - B. Benzoyllecgonine > 0.5 mg/L (femoral blood)
 - C. Clinical history of cocaine use
- II. Reported history of prolonged struggle
 - A. Reported history of physical altercation with police officers
 - 1. Abrasions and contusions of body
 - 2. Patterned injuries of buttocks consistent with canine bite wounds
 - B. Reported history of being struck with an electric muscular disruption device
 - 1. Puncture wounds of right anterior chest and left lower back
 - 2. Barb embedded within puncture wound of left lower back
 - 3. Barbs embedded within decedent's clothing
- III. Clinical history of two previous occasions of encounters with police including EMDD use while intoxicated with cocaine
 - A. Clinical history of cerebellar bleed (stroke), rhabdomyolysis, hypokalemia, acute kidney failure, myocardial infarct (2010)
 - B. Clinical history of rhabdomyolysis, hypokalemia, acute kidney failure (2011)
- IV. Cardiomyopathy (450 g)
- V. Reported history of schizophrenia without clinical history definitive medical diagnosis

Abernathy, Pierre Touren


Case No. 2011-1404

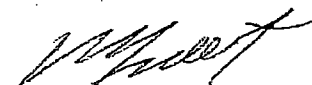
CONCLUSION


It is our opinion that Pierre Tourell Abernathy, a 30 year old male, died as a result of the combined effects of intoxication with cocaine, a prolonged struggle, and a cardiomyopathy (an enlarged heart).

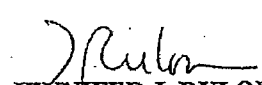
MANNER OF DEATH: Homicide.



D. KIMBERLEY MOLINA, M.D.
Deputy Chief Medical Examiner


ELIZABETH A. PEACOCK, M.D.
Medical Examiner


RANDALL E. FROST, M.D.
Chief Medical Examiner


RAJESH P. KANNAN, M.D.
Medical Examiner


JENNIFER J. RULON, M.D.
Medical Examiner


WILLIAM D. MCCLAIN, M.D.
Assistant Medical Examiner

DKM:vc

Original: file

xc: District Attorney's Office

For protocol only:



BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

7337 LOUIS PASTEUR
SAN ANTONIO, TEXAS 78229-4565
(210) 335-4000
FAX (210) 335-4002



"Accredited by the National Association of Medical Examiners"

TOXICOLOGY REPORT

ME Case #: 11-01404 Age: 30 Years
Decedent: ABERNATHY, PIERRE T. Type: Autopsy
Exam Date: 8/5/2011 Completed Date: 9/6/2011
Staff Pathologist: D. Kimberley Molina, M.D.

☐ No toxicology testing requested

Assay	Sample	Analyte	Amount	Instrument
Clinical	Vitreous	SMA-6	Sent to UH 8/9/2011	Clinical
ELISA	Blood-Femoral	Cocaine Metabolite	Positive	Spectrophotometer
ELISA	Blood-Femoral	Opiates (class)	None Detected	Spectrophotometer
ELISA	Blood-Femoral	Benzodiazepines (class)	None Detected	Spectrophotometer
ELISA	Blood-Femoral	Cannabinoids (class)	None Detected	Spectrophotometer
ELISA	Blood-Femoral	Fentanyl	None Detected	Spectrophotometer
ELISA	Blood-Femoral	Oxycodone/Oxymorphone	None Detected	Spectrophotometer
Alcohols	Blood-Femoral	Alcohols	None Detected	GC/FID
Alcohols	Vitreous	Alcohols	None Detected	GC/FID
Alkaline	Blood-Femoral	Ecgonine Methyl Ester	Detected, No Quantitation	GC/FID; GC/MSD
Alkaline	Blood-Femoral	Levamisole	Detected, No Quantitation	GC/FID; GC/MSD
Alkaline	Blood-Femoral	Cocaine	Detected, Requires Quantitation	GC/FID; GC/MSD
Acid/Neutral	Blood-Femoral	Acid/Neutral	None Detected	GC/MSD
Cocaine/Opiates	Blood-Femoral	Cocaine	Detected, Requires Quantitation	GC/MSD
Cocaine/Opiates	Blood-Femoral	Benzoylcegonine	>0.50 mg/L	GC/MSD
Cocaine/Opiates	Blood-Femoral	Opiates	None Detected	GC/MSD
Cocaine/Opiates	Blood-AM, 8/4/11@0443	Cocaine	0.17 mg/L	GC/MSD
Cocaine/Opiates	Blood-AM, 8/4/11@0443	Benzoylcegonine	Confirmed	GC/MSD

9/6/2011 10:40:34 AM

11-01404 - ABERNATHY, PIERRE T.

Page: 1 of 2

**BEXAR COUNTY MEDICAL EXAMINER'S OFFICE**

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Assay	Sample	Analyte	Amount	Instrument
Cocaine/Opiates	Blood-AM, 8/4/11@0443	Opiates	None Detected	GC/MSD

University Health System

Pathology Services Referral Laboratory

2302 Medical Drive
San Antonio, Texas 78225-4499
Phone: (210) 958-2777 Fax: (210) 958-4762CAP # 2143001
CLIA # 4800502175

Name: ABERNATHY, PIERRE

ID: 02400020111404

Age: UNK DOB: UNKNOWN Sex: M

Date Collected: 08/09/11

Time Collected: 1516

Accession #: 11-1404 Location: R106

Ordering Physician: BEXAR COUNTY MED EXAM

11-1404 DKM

Accession: ME 2011-1404

BODY FLUID ANALYSIS

BF GLUCOSE	35	I	mg/dL
BF POTASSIUM	13.0	I	mmol/L

LEGEND

BF CREATININE The reference range and other method performance, manufacturer, on serum and urine only. Test validation: test result should be integrated into the clinical context.

BF GLUCOSE The reference range and other method performance, manufacturer, on serum and urine only. Test validation: test result should be integrated into the clinical context.

BF SODIUM The reference range and other method performance, manufacturer, on serum and urine only. Test validation: test result should be integrated into the clinical context.

BF POTASSIUM The reference range and other method performance, manufacturer, on serum and urine only. Test validation: test result should be integrated into the clinical context.

Name: ABERNATHY, PIERRE

ID #: 02400020111404

Sex: M

Age: UNK

DOB: UNKNOWN

Page: 1

Printed Date/Time: 08/11/11 0531

CONTINUED NEXT PAGE

University Health System

Pathology Services Referral Laboratory

4502 Medical Drive
San Antonio, Texas 78229-4463
Phone: (210) 358-2771 Fax: (210) 358-4762CAP # 21450-01
CLIA # 4509502178

Name: ABERNATHY, PIERRE

ID: 702400920111404

Age: UNK DOB: UNKNOWN Sex: M

Date Collected: 08/09/11

Time Collected: 1516

Accession #: 11324-5662 Location: 1000

Ordering Physician: BEAR, COUNTY MED EXAM

BODY FLUID ANALYSIS

BE BUN

MB

mg/dL

F - FOOTNOTE

BE CONC

For information, the following information in specifications have been established for this test by the University Health System. The following information have been developed by the UHS laboratory. This information should be interpreted with the following for interpretation.

Name: ABERNATHY, PIERRE

ID #: 702400920111404

Sex: M

Age: UNK

DOB: UNKNOWN

Page: 2

Printed Date/Time: 08/11/11 0631

END OF REPORT